

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #04014 Whispering Creek Community Unit Plan

PROPOSAL: A community unit plan for 51 residential units with waiver to the subdivision ordinance requiring a preliminary plat, to allow the Planning Director to approve final plats and the approval of final plats accepting the dedication of streets and private roadways are requested.

LOCATION: Southeast of the intersection of South 112th Street and Old Cheney Road.

WAIVER REQUESTS:

1. Requirement to submit a preliminary plat.
2. Requirement that final plats be based upon preliminary plats.
3. Requirement that final plats accepting the dedication of public streets and private roadways go to the Planning Commission.
4. Yard setbacks.
5. Minimum lot area
6. Ornamental street lighting.
7. Sidewalks.
8. Street trees.
9. Landscape screens.
10. Block length.

LAND AREA: 203.93 acres, more or less.

CONCLUSION: This is an AGR Community Unit Plan, proposing a straight "lot and block" plat of 51 acreage lots. Waivers requested, other than the preliminary plat, are typical of a rural subdivision and are provided for in the code. No bonuses are being requested. A cluster CUP would better meet the purpose of a Community Unit Plan and might provide some opportunities for "Buildthrough". The applicant had proposed an either-or submittal that would include a cluster and a more standard lot configuration. This plan by itself does not meet the objectives in the zoning ordinance for CUPs. This is not being developed to "Build Through" as required in the Comprehensive Plan and represented by the applicant at the time of the change of zone (see attached). This plan has many errors and omissions of required information as spelled out in the County Engineers and Public Works and Utilities reports attached.

RECOMMENDATION:

Special Permit #04014

Denial

Waivers

- | | | |
|-----|--|----------|
| 1. | Requirement to submit a preliminary plat: | Approval |
| 2. | Requirement that final plats be based upon preliminary plats: | Approval |
| 3. | Requirement that final plats accepting the dedication of public streets and private roadways go to the Planning Commission | Approval |
| 4. | Yard Setbacks: | Approval |
| 5. | Minimum lot area: | Approval |
| 6. | Ornamental lighting | Approval |
| 7. | Sidewalks | Approval |
| 8. | Street trees | Approval |
| 9. | Landscape screens | Approval |
| 10. | Block length | Approval |

GENERAL INFORMATION

LEGAL DESCRIPTION: Lots 14,18,23,24,25,29,30,31, and 32 I.T., all located in Section 18, T9N, R8E, Lancaster County, Nebraska. Further described in the attached legal description.

EXISTING ZONING: AGR Agriculture Residential

EXISTING LAND USE: Farmland

SURROUNDING LAND USE AND ZONING:

North: Ag land, zoned AG Agriculture

South: Five acreages abutting to the south, Ag land to the south, Hidden Valley Golf Course to the southwest; zoned AG Agriculture

East: Agriculture, Zoned AG Agriculture

West: Agriculture and acreages (Hidden Valley Estates), Zoned AG Agriculture and AGR Agriculture Residential

HISTORY: Zoned AGR in November 2002 (CZ 3370).

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Low Density Residential on the Land Use Plan (pg F 23). This is in the Lincoln growth Tier II (25-50 year growth), about one mile outside the edge of Tier I. The 2025 Comprehensive Plan states:

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenge of integrating acreages with traditional agricultural land use will continue. Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized. (F69)

“Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. (F70)

Acknowledge the “Right to Farm” and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages. (F70)

Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. (F70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F70)

Development of a performance standard “point system” will allow the location of higher density rural acreage development in either “AG” or “AGR” where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient “points” can be accumulated to justify the development at the requested location.” (F 71)

“New ‘urban acreage’ development should only be permitted in Tier II and Tier III area of Lincoln and near towns under higher design standards based upon a “buildthrough” model and without use of sanitary improvement districts. The “build through” design standards should address, along with other items deemed necessary to the study:

- a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;
- a lot layout that meets the various elements of the Comprehensive Plan; and
- a development agreement that runs with the land and acknowledges that the acreage development (i) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate.

UTILITIES: There is no public sewer available. This area is in Lancaster Rural Water District #1. Rural water is proposed.

TOPOGRAPHY: Gently rolling hills, falling off to the northeast

TRAFFIC ANALYSIS: Old Cheney Road is paved west and gravel east of 112th Street. Pine Lake Road is paved west and gravel east of 112th Street. 112th and 120th streets are gravel county roads. Old Cheney Road is shown for future grading and paving in the County Engineers 1-6 year road program.

PUBLIC SERVICE: This area is served by the Cheney Public School District , the Bennet Rural Fire District, and is in the Norris Public Power District service area.

REGIONAL ISSUES: The location and timing of acreage development and farming. Management of future Lincoln growth areas. Application of Build-Through.

ENVIRONMENTAL CONCERNS: The soil rating is approximately 5.12 on a scale of 1 - 10 where 1-4 is prime agricultural soil. This is not prime agriculture soil. There is no FEMA flood plain recorded on the site. There is an existing farm pond and a future NRD farm pond

is proposed at the north end of the parcel. To prevent destruction of the NRD pond by the sediment of erosion, particular measures must be taken.

AESTHETIC CONSIDERATIONS: na

ALTERNATIVE USES: All uses allowed in the AGR district.

ANALYSIS:

1. This request is for a Special Permit for a Community Unit Plan for 51 acreage residential lots and one outlot. Gravel public streets are proposed and individual sewer and Rural water are proposed.
2. While the Comprehensive Plan shows the area as Low Density Residential, this development does not conform to the language that calls for Build-Through design.
3. At the time of the change of zone request in 2002, the applicant committed to plat this to a Build-Through model, see attached letter of June 3, 2002. This bears no reflection of Build-Through.
4. Waivers are requested for street lights, sidewalks, block length, street trees, and screening. These are typical waivers required, provided for and appropriate for agriculture/acreage clusters.
5. Pursuant to §26.31.015 "Coordinating Subdivision and Community Unit Plan, Planned Unit Development, Special Permit and Use Permit" of the Land Subdivision Ordinance the applicant requested a waiver to the requirement for a preliminary plat, and to allow the Planning Director to approve administrative final plats and the approval of administrative final plats accepting the dedication of streets and/or private roadways. In an effort to streamline the development review process and coordinate the review of the special permit and preliminary plat, the Planning Department supports this waiver request.
6. The County Engineer's memo of March 26, 2004 notes about 18 items of revision and corrections required. The most significant issue is the requirement that the developer re-grade and pave S. 112th and S. 120th along the frontage of the subdivision, due to the traffic impact of this number of lots/dwellings.
7. LES is requesting easements.

8. Health Department notes the water supply by Lancaster Rural Water is adequate. There are issues for wastewater siting that may limit the build ability of some lots. They also recommend a 300' buffer between the gas line and any occupied structure.
9. Public Works and utilities notes errors and lack of information. See their attached report.
10. The allowed density for this CUP with public streets is calculated at 57 units. The applicant is requesting 51 dwelling units.

If the Planning Commission and City Council choose to approve this CUP, the following conditions are suggested.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to:

1.1.1 Include in the waiver notes the preliminary plat.

1.1.2 Revise the drainage calculation of culvert 'E'.

1.1.3 Revise the street profiles to the satisfaction of Public Works.

1.1.4 Show the 100 year flood elevations and calculations.

1.1.5 Provide conformation that the NRD pond is designed for this developments detention.

1.1.6 Show the NRD flood pool elevations.

1.1.7 Show the easements required by LES in their memo of March 22.

1.1.8 Show the revisions required in the County Engineers memo dated March 26, 2004;

- 1) Right-of-way dedication along South 112th Street and Old Cheney Road that equals to 60 feet from the section line.
- 2) General Note #12 shall also be on the Final Plat dedication when processed.
- 3) Developer shall be responsible for installation of all traffic control devices and street identification signs.
- 4) The centerline radius for Curve "A" is too small. The minimum is 200 feet.
- 5) The surfacing radii on intersections with either South 120th Street or Old Cheney Road should be 50 feet.
- 6) All lots around the proposed NRD pond shall have minimum building elevations shown of 1304.50.
- 7) Access to Outlot A shall be limited to one which would be onto South 1120th Street.
- 8) All culverts shall have either a flared-end section or concrete headwall on inlet.
- 9) There appears no reason for the 30 feet wide Storm Sewer Easement centered on many lot lines.
- 10) Culvert "E" drainage area does not include the area west of South 112th Street.
- 11) The south end of Waters Edge Drive requires a 30 feet radius temporary turnaround and 22 feet Type III Barricades
- 12) The cul-de-sac of Greyhawk Circle should be graded to match the existing ground
- 13) On culvert "G", the headwater for the 10 year storm is above the shoulder elevation , and for the 100 year storm is over the road. The culvert calculations show no roadway overtopping.
- 14) A culvert is needed under Deerfield Trail approximately 200 feet west of South 120th Street.

15) On Culvert "D", the headwater for the 10 year storm is over the road. The culvert calculations show no roadway overtopping.

16) On Culvert "B", the headwater for the 100 year storm is over the road. The culvert calculations show no roadway overtopping.

17) Culverts that extend outside of the right-of-way shall have permanent easements to allow for future maintenance.

18) Due to the significant impact to South 112th Street and South 120th Street from this large development, the developer shall re-grade and pave both streets along the frontage of the subdivision.

1.1.9 Revise the name of Pebble Ridge Road to Aspen Canyon Road as requested by the 911 Center.

2. This approval permits 51 dwelling units and the following modifications and waivers:

2.1 Minimum lot area

2.2 Yard setbacks

2.3 Ornamental lighting

2.4 Sidewalks

2.5 Street Trees

2.6 Landscape trees

2.7 Requirement to submit Preliminary Plat.

2.8. Grant authority to the Planning Director to approve a final plat based upon the approved CUP.

2.9 Grant authority to the Planning Director to approve a final plat accepting the dedication of private roadways.

2.10 The waiver of the preliminary plat shall only be effective for a period of ten years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is

submitted five years or more after the effective date of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

- 2.11 Block length on the boundary of the subdivision and on S 114th Street and S. 117/Waters Edge Drive.
3. Final Plats will be approved by the Planning Director after:
 - 3.1 The subdivider has completed or posted a surety to guarantee the completion of the private roadway improvements, drainage facilities, land preparation and grading, sediment and erosion control measures, drainageway improvements, temporary turnaround and barricades, and street name signs, and clear posting of the gas line.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - 3.2.2 To complete the private improvements shown on the Community Unit Plan.
 - 3.2.3 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

- 3.2.4 To submit to the lot buyers and home builders a copy of the soil analysis.
- 3.2.5 To submit to the lot buyers and home builders within 300' of the gas pipeline a notice and map of the pipelines use and location.
- 3.2.5 To pay all improvement costs.
- 3.2.6 To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- 3.2.7 To protect the trees that are indicated to remain during construction and development.
- 3.2.8 To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- 3.2.9 To relinquish the right of direct vehicular access to 112th Street except for Whispering Creek Drive and Aspen Canyon Road, to 120th Street except for Deerfield Trail and Waters Edge Drive, and to Old Cheney Hill.
- 3.2.10 To complete the street surfacing, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of this final plat.
- 3.2.11 To complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.
- 3.2.12 To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat
- 3.2.13 To complete the installation of the street name signs within two (2) years following the approval of this final plat.

- 3.2.14 To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- 3.2.15 To complete the installation of temporary turnarounds and barricades located at the temporary dead-end of the street or post a surety to guarantee the installation. The installation is to be completed within two years following the Planning Commission's approval of this final plat.
- 3.2.16 To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- 3.2.17 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- 3.2.18 To complete the public and private improvements shown on the Community Unit Plan.
- 3.2.19 To retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.20 To protect the trees that are indicated to remain during construction and development.
- 3.2.21 To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be

additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

3.2.22 To maintain County roads until the County Board specifically accepts the maintenance.

3.2.23 To timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.

General:

4. Before receiving building permits:

- 4.1 The permittee shall have submitted a revised and reproducible final plan including 6 copies.
- 4.2 The construction plans shall comply with the approved plans.
- 4.3 Final Plats shall be approved by the Planning Director.

Standard:

5. The following conditions are applicable to all requests:

- 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
- 5.2 Before occupying this Community Unit Plan, City/County Health Department is to approve the water and waste water systems
- 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

- 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@ci.lincoln.ne.us
Planner
May 12, 2004

**APPLICANT/
OWNER:**

Connie Heier
2600 South 13th Street
Walton, NE 68461
(402)

Patricia Slaughter
507 Red Bird Lane
South Sioux City, NE 68776

CONTACT:

Brian Carstens
Carstens and Associates
601 Old Cheney Road, Suite
Lincoln, NE 68512
474-6311



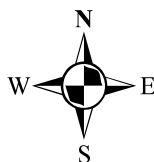
Special Permit #04014 **112th & Old Cheney Rd.** **Whispering Creek**

2002 aerial

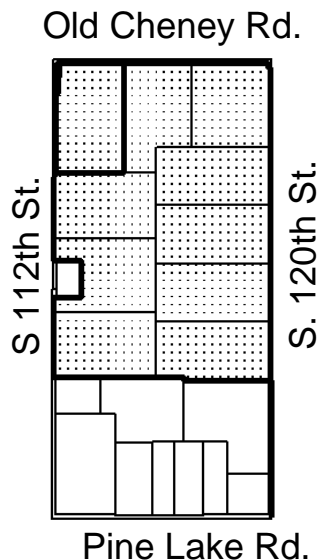
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 18 T09N R08E



Zoning Jurisdiction Lines
 City Limit Jurisdiction





BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

March 10, 2004

Mr. Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: WHISPERING CREEK- C.U.P.
SOUTH 112TH AND OLD CHENEY ROAD

Dear Marvin,

On behalf of Connie Heier and Patricia Slaughter, we submit the following C.U.P. for your review. Whispering Creek contains 206.33 acres and is currently zoned 'AGR'. The property will contain 51- single family acreage lots, approximately 3 acres in size. The streets will be public and graveled at this time. Potable water will be provided by the Lancaster County Rural Water District #1. Individual septic systems will be installed on each lot.

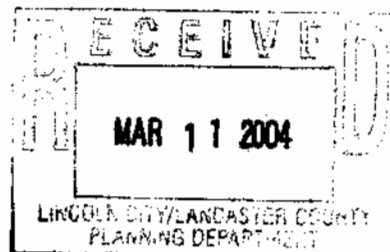
The Lower Platte South Natural Resources District will be constructing a detention facility at the northeastern corner of the property. All of the surrounding lots will be above the flood elevation of the pond.

We are requesting the following waivers to the subdivision ordinance:

Sidewalks, Street Trees, Landscape Screening, Street Lighting as each lot is larger than one acre and this site is not being annexed into the City of Lincoln at this time.

Block length along the east side of S. 114th Street and the west side of S. 117th/ Waters Edge Drive to allow an existing treed drainage way to remain undisturbed.

Preliminary Plat



Page 2

As previously discussed with Mike DeKalb and yourself, we will be submitting another C.U.P. to be approved for approximately 71-one acre lots at the same time. This will allow for a future developer to decide which option works best.

Please feel free to contact me if you have any further questions.

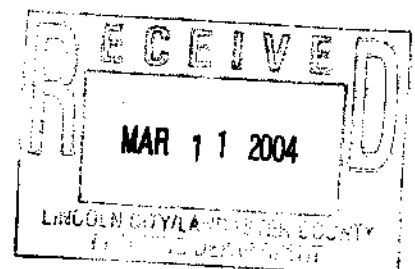
Sincerely,

Brian D. Carstens *BK*

Brian D. Carstens

cc. Connie Heier
Patricia Slaughter
Kent Seacrest

Enclosures: 24 copies of Sheets 1 and 2 of 7
8 copies of Sheets 3 thru 7 of 7
8-1/2" x 11" reductions of the Plans
Application for a Special Permit (C.U.P.)
3 Copies of Preliminary Soils Analysis
Application Fees \$1525.00
Certificate of Ownership



RURAL WATER DISTRICT NO. 1

LANCASTER COUNTY, NEBRASKA

P.O. BOX 98 ■ 310 FIR STREET

BENNET, NEBRASKA 68017

PHONE 782-3400

March 11, 2004

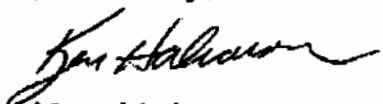
**Mike DeKalb
Linc-Lanc Planning
555 S 10th street
Lincoln, NE 68508**

Mike,

Our engineer has reviewed and approved the application made by Pat Slaughter –Connie Heier for 51 water benefit units for their proposed development at 120th and Old Cheney Rd.

The approval was tied to the completion of system upgrades to make the development feasible.

Sincerely,



**Ken Halvorsen
District Manager
L.R.W.D.#1**

MAR 11 2004



BRIAN D. CARSTENSEN
& ASSOCIATES

LAND USE PLANNING
RESIDENTIAL
& COMMERCIAL
DESIGN

461 OLD CHENEY ROAD
SUITE C
LINCOLN, NE 68512
PHONE: (402) 444-2044
FAX: (402) 444-0807
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WHISPERING
CREEK

COMMUNITY
UNIT PLAN
SPECIAL PERMIT

AND
PRELIMINARY
PLAN

S. 120TH &
OLD CHENEY ROAD
LINCOLN, NE

COVER
SHEET

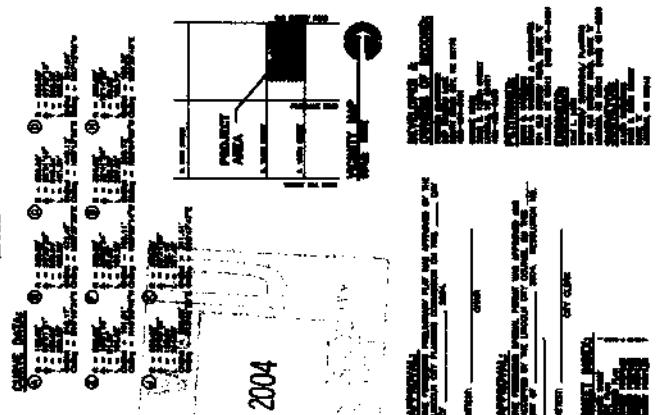
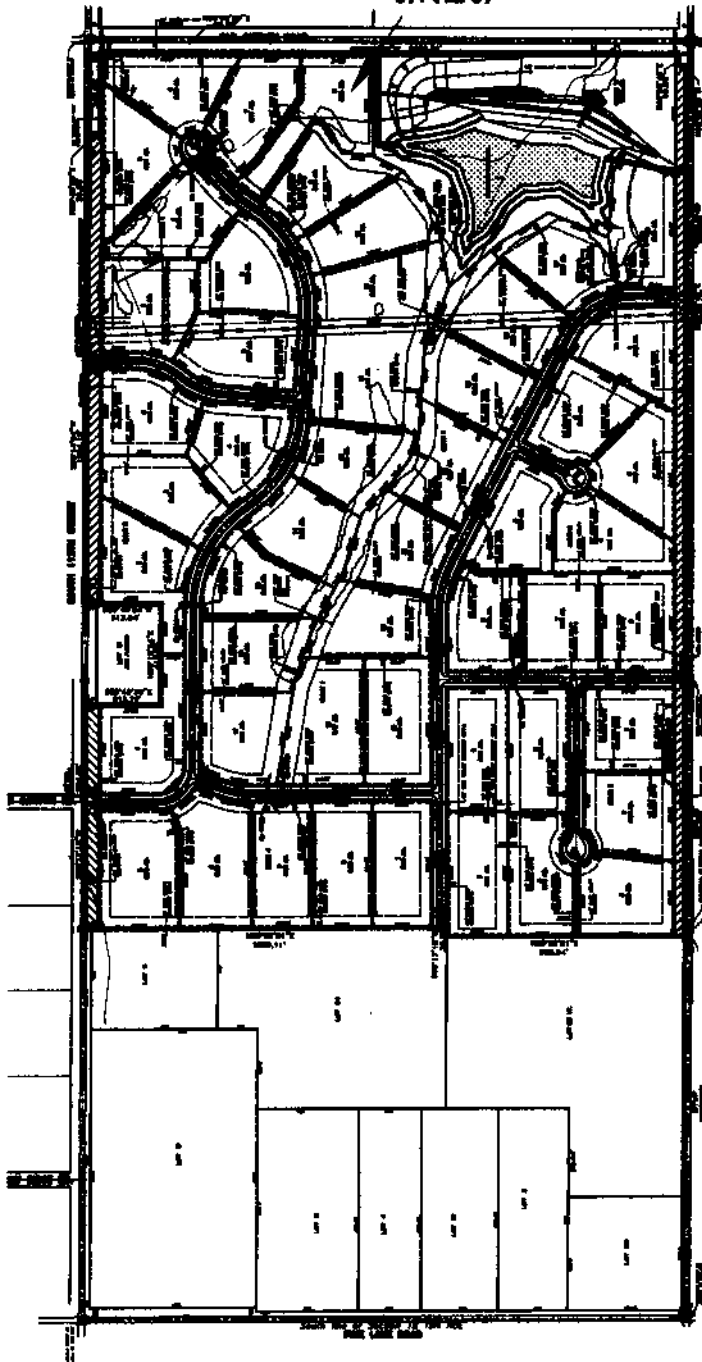


SCALE: 1"=100'

PROJECT: 0401
DATE: 11/11/04
BY: BDC

1 OF 7

SEE PAGE
2 OF 7 FOR
ENLARGED
SITE PLAN



MAR 11 2004

- GENERAL NOTES**
1. THE PRELIMINARY PLAN IS FOR THE PROPOSED DEVELOPMENT OF THE PROJECT. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.
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 10. THE PRELIMINARY PLAN IS FOR THE PROPOSED DEVELOPMENT OF THE PROJECT. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

LOCAL DESCRIPTION OF CLAY

The clay is a light brown, silty, and contains small amounts of organic matter. It is a fine-grained soil with a plasticity index of 15. The clay is a light brown, silty, and contains small amounts of organic matter. It is a fine-grained soil with a plasticity index of 15. The clay is a light brown, silty, and contains small amounts of organic matter. It is a fine-grained soil with a plasticity index of 15.

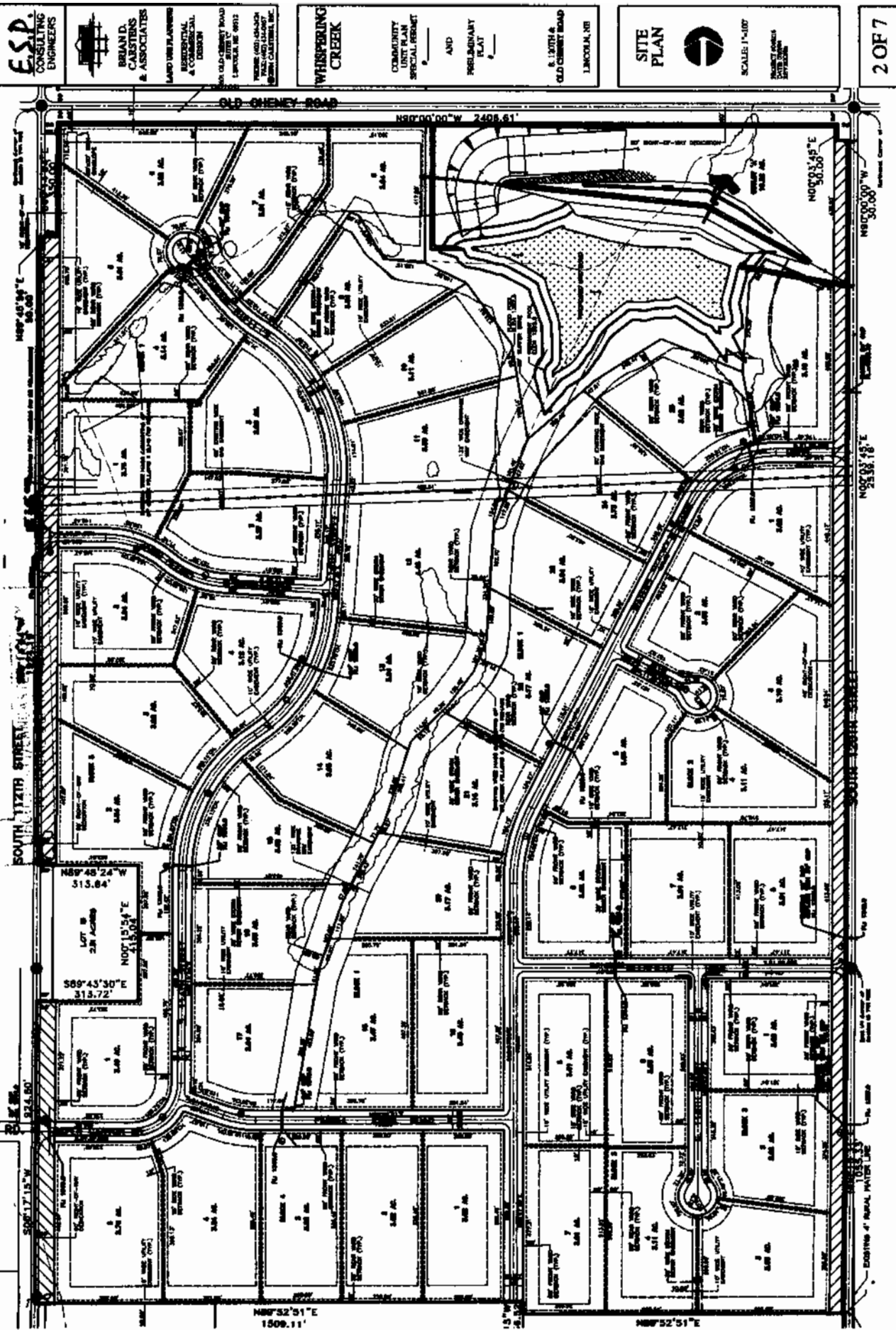
Special Permit #U4U14 112th & Old Cheney Rd. Whispering Creek

APPROVAL

APPROVED FOR THE CITY OF LINCOLN, NE
DATE: 11/11/04
BY: BDC

Special Permit #04014 112th & Old Cheney Rd. Whispering Creek

MAR 11 2004



ESP CONSULTING ENGINEERS
BRIAN D. CARSTENS & ASSOCIATES
LAND USE PLANNING
RESIDENTIAL & COMMERCIAL DESIGN
112TH & OLD CHENEY ROAD
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WHISPERING CREEK
COMMUNITY UNIT #1A
SPECIAL PERMIT
AND
PRELIMINARY PLAT
S. 112TH & OLD CHENEY ROAD
LINCOLN, NE

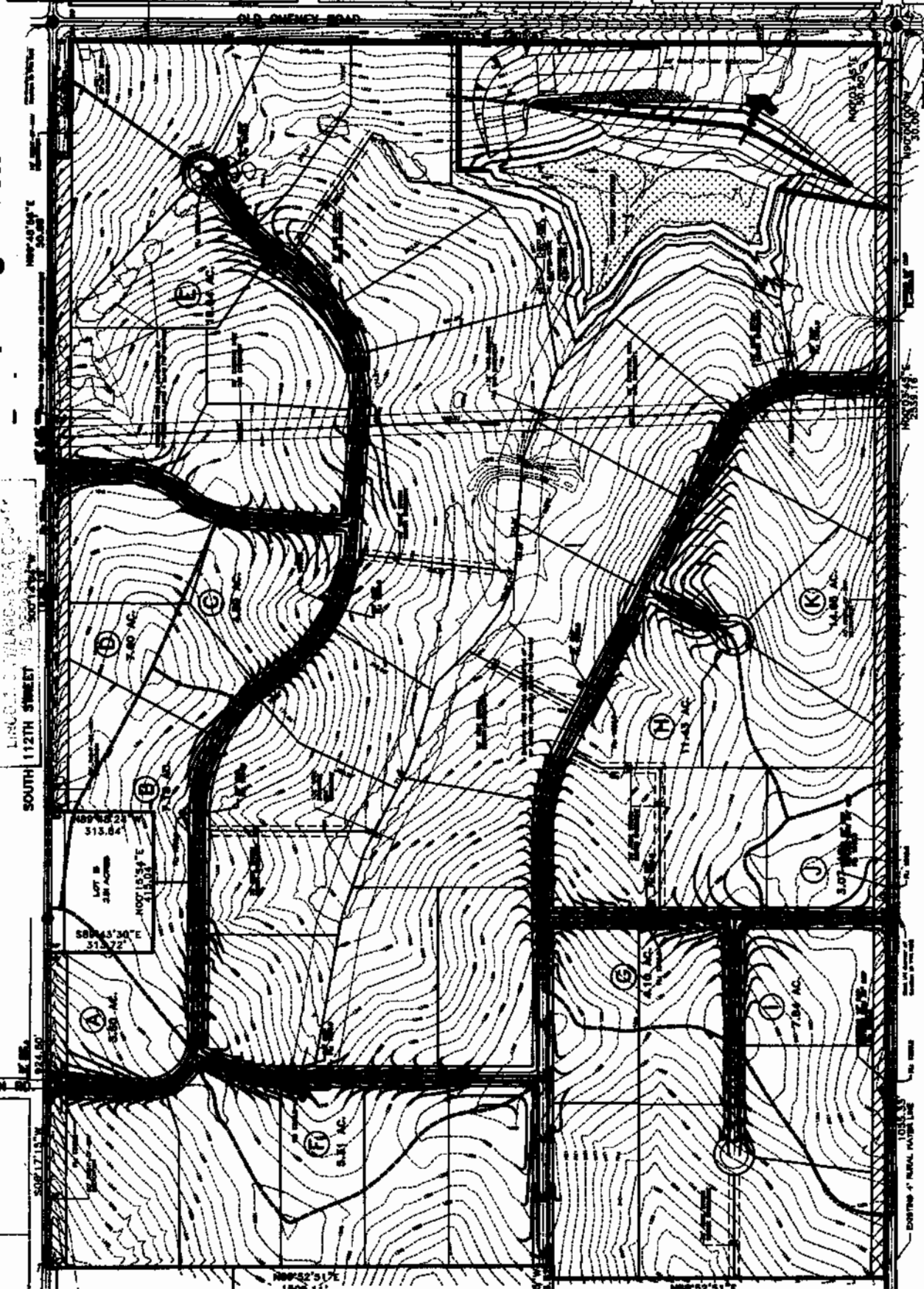
SITE PLAN
SCALE 1"=40'
NORTH ARROW
EXISTING CREEK
EXISTING WATER LINE
EXISTING SEWER LINE

2 OF 7

Special Permit #04014 112th & Old Cheney Rd. Whispering Creek

MAR 11 2004

SOUTH 112TH STREET
LINCOLN, NE 68504



ESP
CONSULTING
ENGINEERS



BRAND
CONSULTING
& ASSOCIATES

LAND USE PLANNING
RESIDENTIAL
& COMMERCIAL
DESIGN

1001 OLD CHENEY ROAD
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FAX: (402) 441-1001
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WHISPERING
CREEK

COMMUNITY
UNIT PLAN
SPECIAL TREATY

AND
PRELIMINARY
PLAT

S. 120TH &
OLD CHENEY ROAD
LINCOLN, NE

GRADING
PLAN

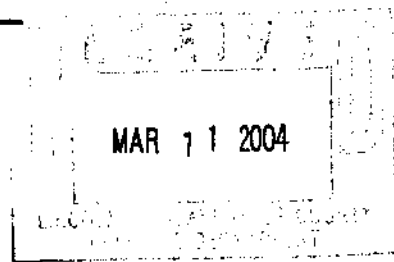


SCALE: 1"=100'

PROPERTY OWNERS
STATE OF NEBRASKA
COUNTY OF LINCOLN

3 OF 7

**Special Permit #04014
112th & Old Cheney Rd.
Whispering Creek**



LEGAL DESCRIPTION OF C.U.P.:

Referring to the Southeast Corner of Section 18 Township 9 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska; thence in a Northerly direction on the East line of the South One-Half of said Section 18 and on an assumed bearing of North 00 degrees 16 minutes 31 seconds East for a distance of 1577.91 feet.

THENCE South 89 degrees 52 minutes 51 seconds West on the South line of Lot 32 of Irregular Tracts extended East for a distance of 20.00 feet to the Southeast Corner of said Lot 32 and the POINT OF BEGINNING.

THENCE North 00 degrees 16 minutes 31 seconds East on the East line of said Lot 32 and Lot 31 of Irregular Tracts for a distance of 1055.33 feet to a point on the North line of the South One-Half of said Section 18.

THENCE North 00 degrees 03 minutes 45 seconds East and continuing on the East line of said Lot 31 and on the East line of Lots 30, 29, and 28 of Irregular Tracts for a distance of 2539.16 feet to a point on the East line of said Lot 28 said point being 100.00 feet South of the North line of said Section 18.

THENCE North 90 degrees 00 minutes 00 seconds West on a line parallel to the North line of said Section 18 for a distance of 30.00 feet to a point 50.00 feet West of the East line of the North One-Half of said Section 18.

THENCE North 00 degrees 03 minutes 45 seconds East on a line parallel to the East line of the North One-Half of said Section 18 for a distance of 50.00 feet to a point on the North line of said Lot 28 of Irregular Tracts said point being also 50.00 feet South of the North line of said Section 18.

THENCE North 90 degrees 00 minutes 00 seconds West on the North line of Lots 28, 27 and 26 of Irregular Tracts for a distance of 2406.61 feet to the Northwest Corner of said Lot 26.

THENCE South 00 degrees 14 minutes 04 seconds West on the West line of said Lot 26 for a distance of 350.00 feet.

THENCE North 89 degrees 45 minutes 56 seconds West for a distance of 50.00 feet to a point on the West line of the North One-Half of said Section 18 said point being also on the West line of said Lot 26.

THENCE South 00 degrees 14 minutes 04 seconds West on the West line of said Lot 26 and Lots 25 and 24 of Irregular Tracts and on the West line of the North One-Half of said Section 18 for a distance of 1924.19 feet to the Northwest Corner of Lot 15 of Irregular Tracts.

THENCE South 89 degrees 48 minutes 24 seconds East on the North line of said Lot 15 for a distance of 313.84 feet to the Northeast Corner of said Lot 15.

THENCE South 00 degrees 15 minutes 54 seconds West on the East line of said Lot 15 for a distance of 415.04 feet to the Southeast Corner of said Lot 15.

THENCE North 89 degrees 43 minutes 30 seconds West on the South line of said Lot 15 for a distance of 313.72 feet to the Southwest Corner of said Lot 15 said point being on the West line of the South One-Half of said Section 18.

THENCE South 00 degrees 17 minutes 15 seconds West on the West line of the South One-Half of said Section 18 and on the West line of Lots 24 and 23 of Irregular Tracts for a distance of 924.60 feet to the Southwest Corner of said Lot 23.

THENCE North 89 degrees 52 minutes 51 seconds East on the South line of Lots 23 and 32 of Irregular Tracts for a distance of 1509.11 feet to the Northeast Corner of Lot 34 of Irregular Tracts.

THENCE South 00 degrees 17 minutes 15 seconds West on the East line of said Lot 34 for a distance of 36.52 feet to the Northwest Corner of Lot 33 of Irregular Tracts.

THENCE North 89 degrees 52 minutes 51 seconds East on the North line of said Lot 33 for a distance of 985.54 feet to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 203.93 acres more or less.

GENERAL NOTES

1. THIS C.U.P. CONTAINS 206.33 ACRES MORE OR LESS.
2. THIS C.U.P. PERMITS 51 SINGLE FAMILY LOTS AND 1 OUTLOT. EACH LOT SHALL CONTAIN A MAXIMUM OF ONE SINGLE FAMILY RESIDENCE AND OUT BUILDINGS, ALL LOCATED WITHIN THE BUILDING ENVELOPES AS SHOWN AND/OR NOTED.
3. THE CURRENT ZONING IS 'AGR' & THE PROPOSED ZONING IS 'AGR' WITH C.U.P..
4. THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 35 FEET, AS PER 'AGR' ZONING.
5. THE DEVELOPER PROPOSES THE USE OF LANCASTER COUNTY RURAL WATER FOR POTABLE WATER SUPPLY. HOWEVER, INDIVIDUAL WELLS MAY BE USED.
6. THE DEVELOPER PROPOSES THE USE OF INDIVIDUAL WASTE WATER SYSTEMS. IF PERCOLATION TEST DO NOT PERMIT SUB SURFACE FIELDS, LAGOONS SHALL BE INSTALLED. WASTE WATER SYSTEMS SHALL BE APPROVED BY THE LANCASTER COUNTY HEALTH DEPARTMENT.
7. THE DEVELOPER SHALL CONSTRUCT AND SURFACE THE PUBLIC STREETS WITH 3" OF CRUSHED ROCK AND 1" OF GRAVEL IN ACCORDANCE WITH THE LANCASTER COUNTY STANDARDS. THE COUNTY SHALL BE NOTIFIED PRIOR TO THE LAYING OF THE GRAVEL. ALL SURFACING RADII AT INTERSECTIONS SHALL BE 30 FEET.
8. ONLY ONE SUBDIVISION GROUND SIGN SHALL BE PERMITTED FOR THIS DEVELOPMENT.
9. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
10. DIRECT VEHICULAR ACCESS TO S. 120TH STREET IS HEREBY RELINQUISHED EXCEPT AT DEERFIELD TRAIL AND WATERS EDGE DRIVE AND ONE FARM ACCESS FOR OUTLOT 'A' (TO BE DETERMINED BY THE N.R.D.). DIRECT VEHICULAR ACCESS TO OLD CHENEY ROAD IS RELINQUISHED EXCEPT AT ONE FARM ACCESS FOR OUTLOT 'A' (TO BE DETERMINED BY THE N.R.D.). DIRECT VEHICULAR ACCESS TO SOUTH 112TH STREET IS HEREBY RELINQUISHED EXCEPT AT WHISPERING CREEK DRIVE AND ASPEN CANYON ROAD.
11. ALL TOPOGRAPHIC CONTOURS ARE AT NAVD 88 DATUM.
12. ONLY ONE ACCESS SHALL BE PERMITTED PER EACH LOT.
13. THE FOLLOWING WAIVERS ARE APPROVED WITH THIS COMMUNITY UNIT PLAN #_____: SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENING AND BLOCK LENGTH.
14. 'JUNK CARS' SHALL BE PROHIBITED IN THIS DEVELOPMENT AS NOTED IN PROTECTIVE COVENANTS.
15. FUTURE LOT OWNERS WILL BE ADVISED THAT THIS IS IN A RURAL FARM AREA AND THAT NORMAL AND CUSTOMARY FARM ACTIVITIES ARE NOT A NUISANCE.
16. FARM ACCESSSES ARE FOR AGRICULTURAL USES ONLY. ANY OTHER USE WILL FORFEIT AND RELINQUISH THAT ACCESS.
17. ALL PRIVATE IMPROVEMENTS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
18. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS AS IDENTIFIED IN THE LAND SUBDIVISION ORDINANCE FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION.
19. PROVISIONS BY THE DEVELOPER SHOULD BE MADE FOR RETAINING AS MUCH TREE MASS AS POSSIBLE.
20. OUTLOT 'A' SHALL BE RESERVED FOR ON-SITE STORM WATER DETENTION AND N.R.D. POND.

Special Permit #04014
112th & Old Cheney Rd.
Whispering Creek

Memorandum

To:	Mike DeKalb, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Whispering Creek CUP #04014
Date:	April 1, 2004
cc:	Paul Zillig, Lower Platte South Natural Resource District

Engineering Services has reviewed the submitted plans Whispering Creek CUP, located south of Old Cheney Road between 112th and 120th Streets, and has the following comments:

- There is not City water or sanitary sewer facilities available for connection to this plat. The proposed individual septic systems and rural water systems are satisfactory.
- There is a significant area west of 112th Street that drains through the site to culvert "E". It does not appear that this area was included in the grading and drainage plan. The grading and drainage plan and culvert analysis need to be revised to include this area.
- The profile shown for Old Cheney Road would not meet current city design standards. The approach platform to 120th Street is in excess of the maximum 3.0% slope.
- Numerous street profiles do not match the grading shown. Revisions need to be made to the street profiles and/or proposed grading contours accordingly.
- The 100 year flood elevation needs to be clearly delineated and labeled on the grading plan and supporting hydrologic and hydraulic calculations need to be provided.
- The submittal letter states that the NRD will be constructing a detention facility with in this development. If this facility is to provide detention for this development written confirmation from the NRD stating that the facility was designed accordingly.
- There are a number of lots that are adjacent to the proposed NRD facility. If it is determined that the 100 year flood encroaches onto any proposed lots, appropriate easements need to be shown on the plan to ensure that the storage volume is not lost.

Lancaster


DON R. THOMAS - COUNTY ENGINEER

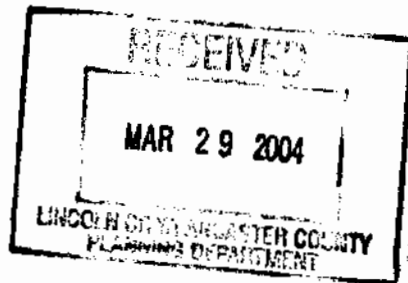
County

Engineering

Department

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: March 26, 2004
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: WHISPERING CREEK CUP



Upon review, this office would have the following comments:

1. Right-of-way dedication along South 120th Street, South 112th Street and Old Cheney Road that equals to 60 feet from the section line.
2. *General Note #12* shall also be on the Final Plat dedication when processed.
3. Developer shall be responsible for installation of all traffic control devices and street identification signs.
4. The centerline radius for Curve "A" is too small. The minimum is 200 feet.
5. The surfacing radii on intersections with either South 120th Street or Old Cheney Road should be 50 feet.
6. All lots around the proposed NRD pond shall have minimum building elevations shown of 1303.50.
7. Access to Outlot A shall be limited to one which would be onto South 120th Street.
8. All culverts shall have either a flared-end section or concrete headwall on inlet.
9. There appears no reason for the 30 feet wide Storm Sewer Easement centered on many of the lot lines.
10. Culvert "E" drainage area does not include the area west of South 112th Street.
11. The south end of Waters Edge Drive requires a 30 feet radius temporary turnaround and 22 feet Type III Barricades.
12. The cul-de-sac of Greyhawk Circle should be graded to match the existing ground.

PAGE TWO

SUBJECT: WHISPERING CREEK CUP

13. On Culvert "G", the headwater for the 10 Year Storm is above the shoulder elevation, and for the 100 Year Storm is over the road. The culvert calculations show no roadway overtopping.
14. A culvert is needed under Deerfield Trail approximately 200 feet west of South 120th Street.
15. On Culvert "D", the headwater for the 10 Year Storm is over the road. The culvert calculations show no roadway overtopping.
16. On Culvert "B", the headwater for the 100 Year Storm is over the road. The culvert calculations show no roadway overtopping.
17. Culverts that extend outside of the road right-of-way shall have permanent easements to allow for future maintenance.
18. Due to the significant impact to South 112th Street and South 120th Street from this large development, the developer shall re-grade and pave both streets along the frontage of the subdivision.

cc: Dennis Bartels, Public Works

LVW/DP/cm

SUBDIV.WK/Whispering Creek CUP.Mem

INTER-DEPARTMENT COMMUNICATION



DATE: March 22, 2004
TO: Mike Dekalb, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 65S-116E

Attached is the C.U.P. for Whispering Creek.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map. Also, please increase the dimensions of the easement from 10 ft. to 15 ft. as noted.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File



Dennis L. Roth

03/14/2004 04:41 AM

To: Michael V Dekalb/Notes@Notes
cc:
Subject: re: Whispering Creek

PROJ NAME: Whispering Creek Add
PROJ NMBR: CUP #04014
PROJ DATE: 03/11/2004
PLANNER: Mike DeKalb

Finding NO DUPLICATE/SIMILAR sounding names in our geobase for the street name proposed in this project..

Dennis "denny" Roth, ESD II/CAD Admin
Emergency Communications 9-1-1 Center

STREETS: Aspen Canyon Rd, Deerfield Trl, Greyhawk Cir, Pebble Ridge Rd, Waters Edge Dr,
Whispering Creek Dr, S 114 Ct, S 114 St and S 118 Ct

PRIVATE: none

COMMENTS: Except for a slight jog, Aspen Canyon and Pebble Ridge are in alignment., therefore we would prefer they both streets be named Aspen Canyon Rd.



MICHAEL WOOLMAN
<lpd737@CJIS.CI.LINC
OLN.NE.US>

03/16/2004 01:56 PM

To: Mike Dekalb <MDekalb@ci.lincoln.ne.us>
cc:
Subject: Whispering Creek

Mr. Dekalb,

The Lincoln Police Department does not object to the Whispering Creek CUP #04014.

Sergeant Michael Woolman
Lincoln Police Department

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: March 22, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder
Doug Smith

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Whispering Creek
CUP #04014
S. 120th & Old Cheney

The Lincoln-Lancaster County Health Department (LLC HD) has reviewed the proposed development with the following items noted:

- The developer proposes the use of Rural Water District No. 1 for potable water. The developer also states that individual wells may be used. If individual wells are used, both water quantity and water quality may present problems. If Rural Water District water is not available for all lots, it will be necessary to demonstrate water availability for the lots for which it is not available. Well permits will also be required.
- The developer proposes the use of on-site wastewater treatment systems. The type of system installed will be based on percolation test results. Lagoons will be installed if percolation test rates are not acceptable for sub surface fields. Colo and Zook soils are present in several areas along the lower edge of lots located along the drainage area. Zook soil is located primarily on the lots south and southeast of the proposed NRD pond. These soils may present problems for building or the installation of wastewater treatment systems. These soils may have groundwater levels at shallow levels. A minimum of two feet separation is required between groundwater and the bottom of a treatment lagoon. A four foot separation is required between groundwater and the bottom of a sub surface treatment system. The LLCHD will not issue on- site wastewater treatment permits for lots with these soils until satisfactory documentation is provided to insure a system can be properly installed. The developer should address the permit concerns of the LLCHD prior to the sale of these lots.
- Sub-surface on-site wastewater treatment systems cannot be installed in the areas that may be flooded by the NRD pond. Lagoons may be installed provided the top of the dike is at least one foot above the flood area. This may restrict the available area on some lots.

- A gas line easement exists on several lots. A minimum lot size of 3 acres is required for LLCHD to issue on-site wastewater treatment permits. If the easement does not allow building in the 60 foot easement area, this may impact the issuance of permits. This issue must be clarified.
- In addition, the LLCHD believes that a 60 foot buffer or easement is not adequate for protecting public health in the event of a natural gas line breach. LLCHD recommends providing at least a 300 foot buffer between buried pipelines and occupied structures. This recommendation is based upon data from the 2000 Emergency Response Guidebook. The applicant should contact the Northern Natural Gas Company to determine the exact location of this buried pipeline.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

SEACREST & KALKOWSKI, P.C.

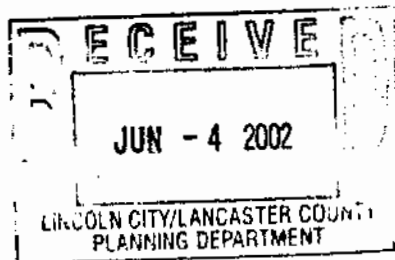
1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
FACSIMILE (402) 435-6100
E-MAIL: cathie@sklaw.inetnebr.com

KENT SEACREST
DANAY KALKOWSKI

June 3, 2002

Kent Morgan
Interim Planning Director
County-City Building
555 South 10th Street
Lincoln, NE 68508



RE: Request for AGR Zoning

Dear Kent:

Congratulations on guiding this community through the approval of the new Comprehensive Plan. Overall you must be pleased. I know the acreage policy did not end up the way the Planning Department wanted. However, what is important now is to work together on the new build through model.

As you know, our law firm represents Patricia Slaughter and Connie Heier in regards to their property between 112th and 120th Streets and between Old Cheney Road and Pine Lake Road, approximately 215 acres (Lots 14, 16, 18, 19 and a 27.25 acre parcel in Section 18, Township 9N, Range 8E). Previously, we submitted a comprehensive plan amendment request that the subject Property be shown as Residential, Low Density in the new Comprehensive Plan. That request was deferred by the Planning Commission, along with approximately 16 other site specific requests. It is our understanding that the comprehensive plan amendment requests will have a public hearing in front of the Planning Commission this summer.

Enclosed herein please find Change of Zone Application from AG to AGR in regard to the Property. We would appreciate it if this Change of Zone could have a public hearing the same day as our comprehensive plan amendment.

We are making this request with the commitment and understanding that the proposed acreage development on this tract would be done under a proposed build through model and not the traditional acreage model. Under normal circumstances, we would also be submitting a community unit plan/preliminary plat. However, I have advised the client not to proceed to detailed and costly engineering until there is more dialogue with the Planning Department, Public Works and County Engineer's Office as to the proposed criteria for the build through model.

The Property will be master planned to protect and enhance the proposed NRD water and stormwater improvements, wetlands and other natural open spaces. The first stage 'acreage' build out of the Property will be an AGR Community Unit Plan, based upon an average 3+ acre lot size with septic tanks and either well or Rural Water District water. The AGR lot layout, street right of way and utility corridors will be designed to accommodate urban "type" central water, sanitary sewer and other utilities when such services are available to this section of the Stevens Creek basin. The average 3+ acre lots in the first stage acreage build out will be designed to be someday individually replatted into 3 or more smaller lots (per the R-3 zone) which will accommodate urban density and the City's central utility distribution and collection systems.

This second stage 'urban' build out of development would occur if and when City urban services are available to the site based upon the orderly urban development of the Stevens Creek basin. This planned AGR first stage acreage build out/R-3 second stage urban build out will accommodate housing demands in this portion of the County and still provide the orderly and planned transition into the City limits at a later date.

We believe it is appropriate to zone the Property as Residential, Low Density in the new Comprehensive Plan for the following additional reasons:

1. The balance of Section 18, Township 9N, Range 8E to the south already includes eight (8) existing acreages.
2. Immediately across 112th Street and west of the Property, there are 44 acreage home sites known as Hidden Valley Estates and developed by Mary Joe Livingston. Hidden Valley Golf Course is also across the street to the south.
3. Old Cheney Road is already paved to the Property at 112th Street and Old Cheney Road. Lancaster County has near term plans to continue the asphalt pavement to the east and pave Old Cheney Road along the north boundary of the Property. Similarly, Pine Lake Road is already paved to this Section at 112th Street and Pine Lake Road. And again, Lancaster County has plans to extend the Pine Lake Road paving to the east along the south section line.
4. The Property can be served by the Lancaster County Rural Water District No. 1 and there already exists two Rural Water District easements on the Property.
5. The NRD's Stevens Creek Plan shows a stormwater dam in the northeast corner of the Property on 120th and Old Cheney Road. This stormwater improvement is scheduled to start and be completed by the end of 2002. Our client would like to work toward making the stormwater improvement and surrounding area a more attractive amenity.

6. Two Lincoln Public School sites, residential housing developments, a new regional shopping area and other residential amenities and support services have recently been sited within one and a half miles of the Property.

We would appreciate you processing the AGR change of zone application. If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,



KENT SEACREST
For the Firm

Enclosure

cc with enclosure: Patricia Slaughter
Connie Heier